

STANDARD APPLICATION  
Harford County  
Board of Appeals  
Bel Air, Maryland 21014

AUG 10 2004

Case No. 5443  
Date Filed 8-10-04  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450<sup>00</sup>

Shaded Areas for Office Use Only

Type of Application

CASE 5442 MAP 34 TYPE Variance

- \_\_\_\_\_ Administrative Decision/Interpretation  
\_\_\_\_\_ Special Exception  
\_\_\_\_\_ Use Variance  
\_\_\_\_\_ Change/Extension of Non-Conforming Use  
\_\_\_\_\_ Minor Area Variance  
\_\_\_\_\_ Area Variance  
\_\_\_\_\_ Variance from Requirements of the Code  
\_\_\_\_\_ Zoning Map/Drafting Correction  
\_\_\_\_\_

ELECTION DISTRICT 3 LOCATION 2828 Forge Hill Road, Bel Air, Md. 21015

BY Robert & Cheryl Roark

Appealed because a variance pursuant to Section 267-34C, Table II of the Harford County Code to allow an addition to connect the house and garage which will make the principal structure closer than the required 40 foot side property line (28 foot proposed) in an Agricultural District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Robert & Cheryl Roark Phone Number 410-879-8250  
Address 2828 Forge Hill Rd Bel Air, MD 21015-1013  
Street Number Street City State Zip Code

Co-Applicant \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

**Land Description**

Address and Location of Property 2828 Forge Hill Rd Bel Air 21015  
Ha.Co.

Subdivision Impslot 2 2.645<sup>645</sup>ac . Kirkwood Lot Number 2

Acreage/Lot Size 2.645 Election District 03 Zoning Ag

Tax Map No. 0034 Grid No. 0001F Parcel 0010 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: Home / Garage / Small Shed - to  
house Lawn tractor

Estimated time required to present case: 1/2 hour

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

**Request**

see attached

**Justification**

See attached

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

Request ~

To erect an addition to connect existing house and garage.

Projected size ~ 12' x 16'.

Purpose of structure ~ to provide shelter to and from garage and house and to relocate laundry facilities from basement to a more conducive area due to Cheryl's health condition. (hypertension, asthma and hypothyroidism) Laundry area currently in basement.

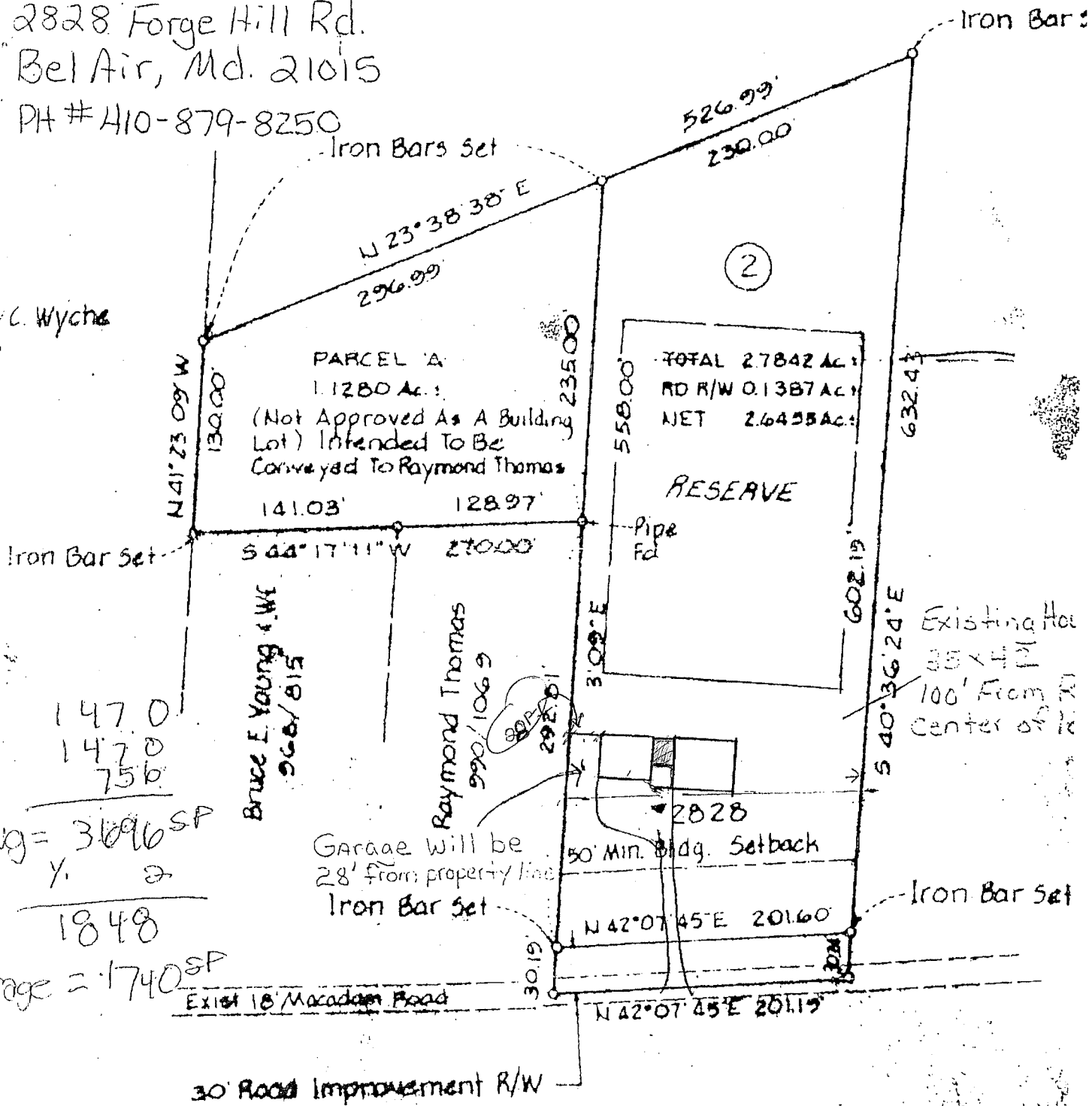
Justification ~

Proposed location seems to be most logical for intended purpose of addition. Our clotheslines are already located on upper end of house and this area behind the proposed location is where our children are allowed to play when outside. It would be a comfort to be working and still be able to keep an eye on them. Due to the septic reserve and well placement, the rear and front of home are not an option. The sloping grade of lower lot and layout of home would require significant added cost, planning and renovations and would defeat one of the main purposes of building the addition. The only access to that side of the home is through the Master Bedroom. Also, due to the fact that that side of the home would bring us that much closer to the fields of the adjoining farm, which are sprayed with pesticides and fertilizers, which can trigger asthma attacks for Cheryl and one of the children. Thank you for your time and consideration in this matter.

Other Lands of  
EDWIN L. KIRKWOOD & WIFE  
404/300

Robert E. Roark  
2828 Forge Hill Rd.  
Bel Air, Md. 21015  
PH # 410-879-8250

Mary C. Wyche  
8/603



Dwg = 3696 SP  
Y. 2

1848

garage = 1740 SP

CPR  
2/9/98

17100

**JAMES M. HARKINS**  
HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**  
DIRECTOR OF ADMINISTRATION



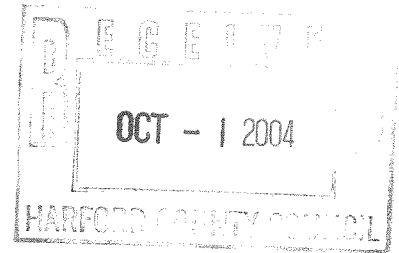
**J. STEVEN KAH-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

September 30, 2004

#### **STAFF REPORT**



#### **BOARD OF APPEALS CASE NO. 5442**

**APPLICANT/OWNER:** Robert and Cheryl Roark  
2828 Forge Hill Road, Bel Air, Maryland, 21015-1013

**REPRESENTATIVE:** Applicants

**LOCATION:** 2828 Forge Hill Road/Lands of Kirkwood  
Tax Map: 34 / Grid: 1E / Parcel: 0010 / Lot: 2  
Election District: Third (3)

**ACREAGE:** 2.645 acres

**ZONING:** AG/Agricultural

**DATE FILED:** August 10, 2004

**HEARING DATE:** October 13, 2004

#### **APPLICANTS' REQUEST and JUSTIFICATION:**

See Attachment 1.

#### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code, to allow an addition to connect the house and garage that will make the principal structure closer than the required 40 foot side property line (28 foot proposed), in the AG/Agricultural District.

*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

Board of Appeals Case Number 5442

Robert & Cheryl Roark

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Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicants' property is located on the west side of Forge Hill Road, between Kalmia Road to the southwest and Allibone Road to the northeast. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use designation is Agricultural. The Natural Features Map reflects parks, sensitive species project review areas, stream systems, Agricultural Preservation Districts and Easements and Deer Creek Scenic River District. The subject property is within the Agricultural designation, which is defined by the 2004 Master Plan as:

**Agricultural** – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 5 and 6).

#### **Land Use – Existing:**

The existing land uses in this area of the County are consistent with the intent of the 2004 Master Plan. The predominant land use is Agriculture which includes cropland, pastureland and large areas of dense woodland. There are no major residential developments in the area, only scattered residential lots. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The subject property is approximately 2.6455 acres in size, with road frontage on the west side of Forge Hill Road. The topography of the lot is level to gently sloping. Improvements consist of a brick and frame single-family dwelling, a deck attached to the rear of the dwelling, a three-car garage, a blacktopped driveway and a frame shed to the left and rear of the garage. The well is located in the front yard and the septic system in the rear yard. The land adjoining the subject property on the north and west sides is actively farmed. To the south is a single-family residence with a detached garage which is located near the garage on the subject property. Enclosed with the report is a topography map of the area, an enlargement of the aerial photograph and site photographs (Attachments 8, 9 and 10).

## STAFF REPORT

Board of Appeals Case Number 5442

Robert & Cheryl Roark

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### Zoning:

The zoning classifications in the area are consistent with intent of the 2004 Master Plan as well as the existing land uses. The predominant zoning classification is AG/Agricultural, which includes the subject property. There are a few areas of RR/Rural Residential. Commercial zoning is generally limited to properties fronting along Conowingo Road (U.S. Route 1). Enclosed with the report is a copy of the zoning map (Attachment 11).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code, to allow an addition to connect the house and garage that will make the principal structure closer than the required 40 foot side property line (28 foot proposed), in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Applicants are proposing to construct a 12 foot by 16 foot enclosure between the existing detached garage and their dwelling. Its purpose is to relocate the laundry facilities from the basement to a more conducive area due to the Applicant's health condition. The proposed location seems to be the most logical for the intended purpose. Due to the well and septic locations, an addition to the front or rear of the dwelling is not really practical.

Permits were issued to the Applicants for the dwelling in 1986 and in 1998 for the detached garage. The Code requires a minimum setback of 10 feet for the detached garage and 40 feet for the dwelling. Once the existing garage and dwelling are attached by the proposed addition, the garage then becomes part of the principal structure and is required by Code to meet the 40 foot side yard setback. If the Board approves the request, the side yard setback will be reduced to 28 feet. It is the opinion of this Department that the proposal will not have an adverse impact on the intent of the Code or on the adjacent properties. The garage already exists and the proposed addition will not further reduce the existing setbacks. Further, the detached garage on the adjacent property is the closest structure. Since the properties to the south were created prior to 1977, they are only required to maintain a 20 foot side setback.

STAFF REPORT

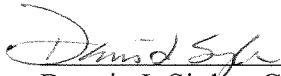
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**RECOMMENDATION and/or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the Applicants obtaining all necessary permits and inspections for the addition.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/ka



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning